

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Certificate of Notice
Caption in Compliance with D.N.J. LBR 9004-2(c)

Law Offices of Lee M. Perlman
1926 Greentree Road, Suite 100
Cherry Hill, NJ 08003
Tel: (856) 751-4224
Fax: (888)635-5933



Order Filed on August 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

FRANCIS AND INGA POTENZA,

Chapter 13 Debtors.

Chapter 13

Case No.: 18-20295-MBK

Hearing Date: September 9, 2020
Time: 9:00 a.m.

Judge: Hon. Michael B. Kaplan

**ORDER TO APPROVE LOAN MODIFICATION WITH RUSHMORE LOAN MANAGEMENT
SERVICES, LLC**

The relief set forth on the following pages, numbered two (2) through (3) is
hereby **ORDERED**.

DATED: August 13, 2020

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page 2

Debtor{s}: FRANCIS AND INGA POTENZA

Case No.: 18-20295-MBK

Caption: ORDER TO APPROVE LOAN MODIFICATION WITH RUSHMORE LOAN
MANAGEMENT SERVICES, LLC

Upon consideration of Francis and Inga Potenza's application for an order to approve a loan modification with Rushmore Loan Management Services, LLC and other good cause appearing therefore, it is hereby

ORDERED that the Debtor is permitted to proceed with a loan modification with Rushmore Loan Management Services, LLC.

IT IS FURTHER ORDERED that communications and/or negotiations between Debtor and mortgagees/mortgage services about loan modification shall not be deemed a violation of the automatic stay; and any such communications or negotiations shall not be used by either party against the other in any subsequent litigation.

IT IS FURTHER ORDERED that in the event a loan modification is completed and pre-petition arrears are capitalized into the loan, secured creditor shall withdraw the claim without prejudice or amend the arrearage portion of its proof of claim to zero within thirty (30) days of completion of the loan modification and Debtors shall amend their Chapter 13 Plan and Schedule J of their bankruptcy Petition; and

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of the loan modification and all money that would have otherwise been paid to the secured creditor be held until the claim is withdrawn or amended or the Trustee is notified by secured creditor that the modification was not consummated; and

IT IS FURTHER ORDERED that in the event the modification is not consummated; that the secured creditor shall notify the Trustee and Debtor's attorney of same. Any money that was held by the Trustee pending the completion of the modification shall then be paid to secured creditor; and

Page 3

Debtor{s}: FRANCIS AND INGA POTENZA

Case No.: 18-20295-MBK

Caption: ORDER TO APPROVE LOAN MODIFICATION WITH RUSHMORE LOAN
MANAGEMENT SERVICES, LLC

IT IS FURTHER ORDERED that in the event the Proof of Claim is withdrawn or amends the
arrearage portion the claim to zero (0), the Trustee may disburse funds being held pursuant to this Order to other
creditors in accordance with the provisions of the confirmed plan; and

IT IS FURTHER ORDERED that Debtor shall provide the Trustee with an executed copy of the Loan
Agreement upon completion, if not already provided.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Francis C. Potenza
Inga R. Potenza
Debtors

Case No. 18-20295-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 13, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2020.
db/jdb Francis C. Potenza, Inga R. Potenza, 608 Riverside Ave, Toms River, NJ 08757-1006

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Emmanuel J. Argentieri on behalf of Creditor U.S. Bank National Association as Legal Title
Trustee for Truman 2016 SC6 Title Trust bk@rgalegal.com
Kevin Gordon McDonald on behalf of Creditor Toyota Motor Credit Corporation
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Lee Martin Perlman on behalf of Debtor Francis C. Potenza ecf@newjerseybankruptcy.com,
mcdoherty@ecf.courtdrive.com/hspivak@ecf.courtdrive.com
Lee Martin Perlman on behalf of Joint Debtor Inga R. Potenza ecf@newjerseybankruptcy.com,
mcdoherty@ecf.courtdrive.com/hspivak@ecf.courtdrive.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7